

W. E. A. OUTLINES

LOCAL
GOVERNMENT
FOR BEGINNERS

By
Margaret I. Cole

ONE SHILLING

LONGMANS, GREEN & CO. LTD.

WORKERS' EDUCATIONAL ASSOCIATION OUTLINES

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LOCAL GOVERNMENT FOR BEGINNERS

FOREWORD

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CHAPTER I

INTRODUCTION

THIS book is not intended to be, even in the most elementary sense, a text-book of local government. In the first place, there are a large number of such text-books of every size available; and in the second, reasons of space forbid it. English local government is a very complicated subject. Each type of local authority has different powers and duties; and each of the main duties of local authorities has a different set of laws and rules applying to it. To give the barest summary of these would take a book about three times the length of this one, which would be very dull and very dry reading, and even at that would perforce omit half the facts. The student requiring more detailed information, therefore, is referred to the books mentioned in the last chapter of this one; with this caution, that in the present state of local government law, which is so largely determined by decisions of the law-courts, an exact answer to the question, "Can or ought a local Council to do this or that?" can often only be given by a lawyer, and sometimes not at all, without bringing an actual case into court.

What then is the book's purpose? It is, roughly,

to make sense of local government for the beginner, whether he or she is a newly-elected Councillor, a prospective Councillor, or simply a student of one of the subjects which most deeply affect the working-class. English local government, though greatly simplified in the past fifty years, is still apt to look a very tangled jungle at first approach. But there is, for all that, a method in the madness. Local Councils do not possess their powers and duties for no reason at all—they sometimes possess them for very odd or bad reasons, but there is nevertheless a reason of sorts. And the intention of this book is to show the reasons, the principles, if we may call them so, which underlie the English system, the way in which local Councils are formed, what they can do and how they do it, and to provide, for those new to local government, the general clues by which they may reach an understanding of the whole. For this purpose we assume a Councillor newly elected, observe what sort of body he has now entered and how he got there ; how the body works and what rules he must obey if he is to be an effective member of it ; where it gets its money from and how it spends it ; what it may do and how, why it may do certain things and may on no account do certain others which seem equally obvious ; what, in fact, is the *philosophy* of local government. Finally, we may see what holes our Councillor, now presumably an intelligent and experienced man, might pick in the present system ; and how, if at all, he would want it altered.

Two general reflections may well find place at this point. In the first place, English local govern-

ment is not a tidy system. In France Napoleon and in Russia the Bolsheviki were able after a revolution to create a logical system of local and central government, which one can learn off by heart almost like a chemical formula or set of formulas ; and be sure that what is true of one area will be true of another of the same kind. In England that is not so ; there is a great deal of variation, so much so that one is sometimes tempted to say that the main principle of English local government is its lack of principle. All boroughs, for example, are not the same size, or anything like the same size ; nor have they all anything like the same powers. A large authority has not necessarily any powers over a small authority, though it may have. There is nothing tidy about the system. This is because English local government grew up by degrees and almost at haphazard throughout English history, differently at different times and in different places and for different purposes, half controlled by Parliament and half not, until by the middle of the nineteenth century it had grown to be such a confusion that even lawyers could not understand it. Happily for the present-day student, a great series of amending Acts have brought considerably more order into the confusion ; but Parliament has always been a conservative body, and a good deal of variation and a good many anomalies still cling barnacle-like to the present system.

We should also observe that in England, unlike most Continental countries, the limits both of State and local authorities' activities are clearly laid down by Act of Parliament. A local author-

ity cannot do anything which an Act of Parliament does not say it may do¹; but neither can the State interfere with a local authority except as Parliament has said it may. And if the local authority acts contrary to law, the State cannot, unless it is expressly allowed to, intervene either to punish or control it; but it must, just as if it were a private person, bring a case before the Courts, which will then decide, as in every other case, whether the law has been broken, and if so what the penalty shall be. (Of course, the State has other means, which a private person has not, of coercing a local Council. To some of these we shall refer later; but as far as the law is concerned that is the position.)

Note.—This book does not deal with Scotland, whose system differs in many ways (though not in the general principles laid down above) from that of England and Wales. The special peculiarities of London local government are mentioned in Chapter XI.

¹ Unless it has a special ancient charter.

CHAPTER II

THE AUTHORITIES—COUNCILLORS AND GUARDIANS

OUR Councillor must—unless he is not a Councillor, but a Guardian—presumably be a member of some Council, either in a country or in what is known as an urban area. (An “urban area” need not be a large town; many urban areas are what a Bradford man would call a village.) If he lives in the country his Council may be a Parish Council,¹ a Rural District Council, or a County Council. These areas are tidily built up; every bit of English rural land is now in some parish²; groups of parishes, ranging from about five to about fifty in number, form Rural Districts; and the Rural Districts are grouped together in counties. Then the Rural District Council has a certain amount of control over the Parish Council, i.e., it may order the Parish Council to do certain things, and hinder it from doing certain other

¹ Small parishes, too small to support a Parish Council, may have a Parish Meeting, which can do most but not all of the things which a Parish Council can. Large parishes may act as Urban District Councils for some purposes. Otherwise, the powers of either a Parish Meeting or Parish Council are very small.

² So is all urban land; but urban parishes have no Councils.

things. The County Council, similarly, has some control over the Rural District Council ; and in certain cases, if the Parish Council, say, of Little Muddleton, feels that the Rural District Council of Muddlemarsh is behaving in a lazy or tyrannical manner, it may appeal to the Mudshire County Council to intervene and put the Rural District Council in its place.

The country areas are thus fairly simple in their relationship, mainly because the government of the English countryside, which for many years was carried on unassisted by the rural gentry sitting as J.P.'s, was not reformed until late in the nineteenth century, by which time it was possible to introduce a more or less logical system. We shall see later what powers the J.P.'s managed to retain when they lost their god-like position.

Urban government, however, is not nearly as symmetrical. Three kinds of Council exist ; in order of dignity, these are the Urban District Council, the Municipal Borough Council, and the County Borough Council. The practical difference between these bodies is simply and solely one of powers ; that is to say, a Municipal Borough Council can do certain things which an Urban District Council cannot,¹ and a County Borough Council can do things which neither of the others can. One might say that they correspond roughly to small towns, middle-sized towns, and large towns ; but that would be only very partially true. For instance, Rhondda, with over 100,000

¹ Among other things, it has a Mayor ; but he adds dignity and expense rather than real power.

inhabitants and two seats in Parliament, is an Urban District, while Lydd in Kent, which is a municipal borough, has only 2,000; Leyton and its 130,000 people make a municipal borough, whereas the County Borough of Canterbury only contains 25,000. Population is a very unsafe guide to the status of any particular town.

Naturally, as each of these Councils exists to govern the affairs of a single town, they do not contain each other's areas, as the Rural District contains the parish; though, as houses spread and what was country becomes town, two or more urban areas may find themselves adjoining, without any natural boundary between them. Manchester and Salford, for example, are for local governing purposes two towns; though nobody could say by looking at them where Manchester ends and Salford begins. We shall see later that this is sometimes a serious inconvenience to the Councils and inhabitants of these near-by areas.

All towns must, however, of their nature be within the area of some county, and one would expect that the County Council would have some power over them. To a certain extent this is so. Mudcombe-on-Sea, if it is an Urban District or Municipal Borough, is controlled to a certain extent by the Mudshire County Council, and has to contribute something to the expenses of governing the county. But if it is a County Borough, this is not the case. The County Council can give no orders to the County Borough Council, nor can it draw a halfpenny from its funds. The

latter is, in fact, a little county within itself, occupying generally the richest and most populous part of the actual county area and yet paying nothing towards its upkeep. Leeds, Bradford and Sheffield, for example, are perhaps the most important parts of the West Riding, and yet the West Riding County Council can draw nothing from them. For this reason, the County Councils, as a whole, dislike County Boroughs, and, if they can help it, will not permit any more of them to be created.

How can they help it? The answer is, mainly by agitating, lobbying, and spending money. The County Councils have some say in the status and boundaries of parishes and urban and rural districts in their area. But the status and boundaries of all other local government areas are fixed by charter or Act of Parliament, and can only in the same way change them. If Mudcombe-on-Sea, being an Urban District, wants to become a borough and have a Mayor, it must get an Act or a charter; if it wants to take in that new residential quarter just outside the town's boundaries, where a number of people have built large houses, and are getting the benefit of Mudcombe's local band, reading-rooms, etc., without paying for them, it must get an Act to allow it to take within its boundaries the parish of Wombwell, in which these houses are situated, and so on. It must draft a Bill, and get it approved by the Local Legislation Committee of Parliament; it must pay lawyers to draw up the Bill and present it, and all the people who dislike the project will also pay lawyers to come and oppose

it ; and eventually, after a vast expenditure of time and money, the Bill will probably become an Act, if it does not contain too large a scheme and if nobody very influential is opposed to it. Altering local government areas is a slow and expensive business ; and as many of our present areas, as we shall see later, are quite obsolete under modern conditions, this constitutes one of the most serious defects in local government at the present time.

GUARDIANS OF THE POOR

If our newly-elected man does not belong to any of these six kinds of Council, he is almost sure to be a Guardian of the Poor. The Boards of Guardians are almost the sole relic of what was once a very common type of local governing body—the *ad hoc* authority, as it is called. This means a body elected, not to carry on the whole business of an area, but only a particular part of it, which in this case is providing for the maintenance of the poor. In the eighteenth and nineteenth centuries there were also separately elected bodies to deal with roads, sewers, paving, education, etc. ; but these have all been done away with in England and Wales, though in Scotland the Education Authorities are still so chosen. At the present time there seems to be a tendency to bring back the *ad hoc* authority, not, however, as a body directly elected, but as one composed of delegates from all manner of different authorities, sometimes including private as well as public bodies. The

new Joint Electricity Authorities are the chief instance of this; other older cases are such London boards as the Metropolitan Water Board, the Port of London Authority, etc.

The Guardians, however, are directly elected, and they cover the whole country. Every parish, urban or rural, forms part of some Union (of parishes) for which a Board of Guardians is elected. In the country the Rural District Councillors when they are elected, become also the Guardians for their particular area; but in the towns it is not quite so simple. Generally, the Union area is the same as that of the borough or urban district; but this is not always so. A big town may have more than one Union, and, conversely, the West Ham Union covers a much wider area than the borough of West Ham. In any case, the point to observe is that in the towns the very important and expensive duty of providing for the poor is in the hands of a body over which the Town Council has no control whatever.

Guardians must also assess property for the poor rate, and fix the amount of the rate, as well as collecting money for such bodies as County Councils, which do not levy rates themselves, but simply inform the Guardians how much is required. As most rates, whoever collects them, are assessed on the basis of the poor rate, this function of the Guardians is very important for all types of area.

The above is merely a very brief sketch of the various local governing bodies in England and Wales, intended simply to make it clear what types exist. It does not pretend to be more than

the barest summary, but it should be enough to show that even the nineteenth century reforms have not left us with a simple or logical system.

Note.—It should be observed that “City” is not a term which means anything in local government. Certain towns have the right to be called cities, either because they were so called many years ago, or for other reasons ; but the name adds nothing to their powers. It sounds grander to be a City, but that is all. Similarly some towns have a Lord Mayor, who is more impressive than an ordinary mayor, but has no more power.

CHAPTER III

ELECTING A COUNCILLOR

How did our Councillor or Guardian get his seat? He was elected by the votes of the residents in his area. We may here notice in passing that if he is a member of the working-class he is not very likely to have been elected for either a rural district or a county, not only because in county areas (except mining districts) a working-class man is still very unlikely to be elected for anything, but because these bodies cover a very wide area, and the working-man is unlikely to be able to afford the railway fare to their place of meeting or the loss of wages involved in getting to and fro as well as the time spent at the meeting itself.¹ Parish Councils generally meet in the evenings, so working-men are found on Parish Councils, for what they are worth; and in the towns there is not the same difficulty of time and travelling, though the loss of wages involved in sitting on, say, the Birmingham City Council, is still a serious problem. Members of Parliament, of course, are paid salaries and travelling allowances; but service on a local governing body is still entirely

¹ In mining areas the election of miners' agents and checkweighmen to some extent gets over this difficulty.

unpaid. Hence the government of the countryside is still mainly in the hands of people who can afford to take a day off at frequent intervals.

We need not spend long over the details of local government elections. The qualifications for voting (which can be found in any text-book) are nearly, but not quite the same as those for the Parliamentary vote. That is to say, every "occupier" in the area has a vote, but not those who simply own a piece of property in the area (and therefore pay rates), but do not live there. Up till 1918 no one who was in receipt of poor law relief could vote; and many people want to bring back this disqualification.

Local government elections take place every year, the boroughs (both kinds) voting in the autumn, and all the other bodies in the spring. The whole body, however, is not always re-elected every year, but only one-third of it.¹ This is supposed to ensure "continuity of administration"; it at any rate secures that there can be no sudden change-over in the personnel of a local governing body, as there was, for example, in Parliament in 1906. If Labour or any other party desires to capture the government of some large town which has a big hostile majority, it must, even with the maximum of success, fight at least two elections, and probably many more, before it can do so.

In addition to the elected Councillors, there are in boroughs and counties certain objects called

¹ Many Councils, including London Borough Councils, are, however, re-elected bodily every three years.

aldermen. These are an historical survival from earlier forms of local government, and it is difficult to find any logical reason for their preservation. They are not elected, but chosen, after each election, by members of the Council ; they hold office for six years ; they may sit and vote exactly as do the ordinary members. This means in practice, that where there are parties in a Council, the dominant party can secure a number of extra votes for itself ; in what are called " non-party " Councils, the aldermen are generally distinguished grocers, etc., who for some reason do not wish to go through an election.

PARTY POLITICS

In nineteenth-century text-books, it used to be stated that English local government was " free from party politics," and to a large extent this was true. Local government elections, when they were fought at all, were generally fought not as between Liberals and Tories, but on local and domestic questions, such as where the new reservoir should be, the placing of Council contracts, and the way in which the trams were run. It was not entirely true ; the London County Council from its beginnings had a full-blown Tory and Liberal Party (called Moderates and Progressives), and Manchester and many northern towns were in much the same position. But since the growth of the Labour Party, with its wide differences from the old political parties, the position has changed considerably. Nowadays

we find in the largest towns (as in London and Manchester) the Labour Party existing alongside of Liberals and Tories or whatever they call themselves in particular places ; but we also find, in almost all towns of any size, regular contests between the Labour Party and another party, which may call itself Ratepayers', Citizens', National, Moderate, or any other of a dozen names, but which is in effect the party of the upper and middle classes ; so that the majority of local elections in smaller towns have become contests of *Labour versus the Rest*. It is probably natural that this should be so in local more than in national government, since in local government the " broad political questions," such as Tariff Reform or Home Rule which long divided the 'working-class vote, do not exist ; and local government elections tend more and more to be fought on the question whether expenditure—mainly on social services—should be reduced. On this question most working-class voters tend to be on the same side.

A few Town Councils, and many Rural District and County Councils (except in the coalfields) are still practically " non-party " ; and in a good few a contest is a rarity. This is partly due to the fact, already mentioned, that working-men do not stand for those Councils ; but, that apart, the percentage of people who vote at local elections is still quite low. It varies in different districts and for different bodies—elections of Guardians appear to interest nobody—but seldom do as many as half, and often not a quarter, of the electors take the trouble to vote at all.

QUALIFICATIONS

Who can become a Councillor, or a Guardian ? Roughly speaking, anyone who has a vote for a Council or Board of Guardians, is qualified to be a member of that body. There are certain facts however, which disqualify a voter from sitting as Councillor or Guardian. The details of these disqualifications can be found in any text-book. They are mostly quite intelligible : e.g., anyone who is persistently absent from meetings loses his seat ; a minor or lunatic cannot sit, nor can a man who holds an office of profit under the Council (such as the Town Clerk), or one who has a business contract with the Council. The last disqualification is complicated, and the law is not always quite clear, as there are a good many exceptions. For instance, the head of a firm supplying blankets to the workhouse may not be a Guardian, but the head of the local gas company may be a Councillor, even if the gas company lights the town hall ; and it has never been decided whether a man who builds houses with Council subsidies may sit on the Council. The disqualification, however, which most affects the working-class is that forbidding anyone to sit on a local governing body who has had poor law relief during the preceding twelve months—a disqualification which knocks out, for example, a great many miners at the present time. To this, if the present Local Authorities Bill goes through, there will be added another, that of having spent local funds in a way that the District Auditor does not approve.

It is perhaps worth noting that the rules about disqualification do not prevent a candidate from being elected, only from taking his seat. It has sometimes been found desirable, as was done in Ireland when Catholics were not allowed to sit in Parliament, to run for propaganda purposes candidates who were not qualified to take their seats. There is nothing in the law to prevent this.

CHAPTER IV

THE COUNCIL'S BUSINESS

COMMITTEES AND OFFICERS

SUPPOSING, then, our Councillor to have been elected, whether as a party man or an independent, and to have taken his seat on his Council. What sort of a body will he have got into, and how will it work?

He ought not to find the business of the Council really hard to understand, if he has his wits about him, particularly if he has had any experience of Trade Union or other committee work. He will find that a large amount of the business of the Council is done, not in full Council meeting, but by Committees appointed by the Council, which discuss all detailed matters, and simply present minutes or reports to the full Council. (In this respect local authorities differ largely from Parliament, which has never succeeded in devolving any of its important business to Standing Committees. Of the many schemes for improving the efficiency of Parliament, one of the favourite is Mr. Jowett's proposal for applying the committee system to the House of Commons.)

The number of Committees appointed by any

particular Council naturally varies with the size and importance of the Council and the number of duties it has to perform. Most Councils have a Finance Committee whose business it is to prepare estimates and watch over the accounts. Councils, which are also education authorities, i.e., County Councils, and most of the larger Borough and Urban Councils, must appoint an Education Committee; Councils which administer the Housing Acts have Housing Committees; and we also find Gas Committees, Water Committees, Electricity Committees, Baths Committees, Tramways Committees, Public Health Committees, Library Committees, and a whole host of others. Councils may also for some purposes, e.g., hospitals, form Joint Committees. Some Committees, e.g., the Education Committee, the Council is forced by law to appoint; these are called Statutory Committees. Apart from these, it may in general appoint as many committees as it pleases. (Committees may, of course, be *advisory* or *executive*; the distinction between these is clear.)

Naturally, the powers and composition of Committees vary a good deal. Some, such as the Finance Committee, are entirely composed of members of the Council; some, like the War Pensions Committee, must contain representatives of outside bodies; in many cases the Council itself is left to settle whether it will include non-members or not. When local government was first reformed it was thought very desirable to have "influential" or "informed" outsiders on Committees; then for some time it was considered undemocratic to include any but elected persons.

In the last few years the pendulum has been swinging rather in the other direction, and it is common to find experts, such as medical and scientific authorities, teachers and representatives of outside bodies such as Trade Unions, serving on the Committees which concern them.

So much for the composition of Committees. As to their powers, it will sometimes be found that an Act of Parliament lays down exactly what a Committee may do ; oftener, however, the Council itself in appointing the Committee settles its terms of reference. Sometimes a Committee is given general power to act within certain limits ; sometimes it has to refer back to the Council before it can take any action ; it all depends on the Committee and what it has to do. Generally speaking, no Council can give its Committees power to spend money, though of course it may allocate a certain sum and allow them to spend it as they please. It should also be remembered that no Council can delegate to a Committee powers which it does not possess itself. This sounds obvious enough ; but its practical effect is that no two small Urban District Councils can by forming Joint Committees to which they delegate their powers, make themselves into a Borough with the powers of a Borough ; they must get a private Act and turn themselves into a Borough by the usual cumbrous method.

Nearly all Committees have to get their actions at any rate confirmed by their Council. There is, however, one exception which is so important that it must be mentioned. This is the Watch Committee, which in all boroughs which have a police

force of their own—but not in counties—must be appointed to administer the police force. The Watch Committee consists of members of the Council, but is not responsible to it ; and this may occasionally lead to an awkward situation, as when the Council runs a tram or bus service and the police show an undue tenderness to competing private owners.

Our Councillor is likely to be put on one or more of these committees. His first business is to see that he understands exactly what the committee is supposed to do, so that he does not waste his own time and others, making suggestions to the Library Committee which can only be dealt with by the Education Committee. (He may, however, find that the committee is actually *not* doing a number of things which it might or ought to do, which he will then presumably bring forward.) He should also acquaint himself generally with the work of other committees, in particular of the Finance Committee, in order that he may be able to discuss and criticize their minutes or reports when they come up before the full Council. Further, he should get and *study* a copy of the standing orders of the Council. All Councils make their own standing orders, governing such points as the length and kind of notice required of a meeting or motion, the number of members required to form a quorum, etc. The Councillor ought to have these at his finger-ends ; or else, particularly if he is in a minority, he will find himself continually getting ruled out of order. There are, of course, occasions when a protest must be made at all hazards, even at the risk of

being removed from the Council Chamber ; but, generally speaking, a Councillor who is constantly out of order annoys his fellow members and makes himself look a fool.

OFFICIALS AND EMPLOYEES

Lastly, our Councillor will find that his Council has a number of officials and employees. Important *officials* are the Clerk to the Council, who is really its secretary and as such prepares all the business for the Council meetings, and is supposed to know exactly what the powers of the Council are and what its legal position will be if its members' proposals are carried out ; the Treasurer, whose office explains itself ; the Medical Officer of Health ; the Education Officer ; the Surveyor ; the Inspector of Nuisances, etc., etc. The larger a Council is, naturally, the more officers it will require. It is fairly important to ascertain the terms on which these officials hold their positions, the salary paid, and pension rights, etc. In small areas, where there is not a great deal of talent available, it is not uncommon for the same man to combine two or three offices and carry on his private business or profession into the bargain. This may be unavoidable, but it does not generally make for efficiency and sometimes leads to scandal. At any rate, the position in a case like that should be watched. English local government is much less corrupt than it used to be ; but a good deal of jobbery still goes on, particularly in small towns.

As to the *employees*, every local authority has

some of them, ranging from the charwoman who cleans the Parish Council's room to the small army employed by big industrial towns. Our Councillor will presumably make it his business to discover what wages are paid to the employees, what hours they work, whether they have pension rights under the 1922 Superannuation Act, whether they are allowed holidays, and, in general, how the conditions of Council employment compare with those generally prevailing in the town. (He would also do well to extend his researches to the conditions given by contractors who do work for the Council.) In large towns, he will generally find that the wages paid to many classes of employees are determined by agreements, either Trade Union agreements or Industrial Council agreements, or (in the case of teachers) the Burnham Scales. He may frequently find that in some of its departments his own town or district is paying less than the rate which under such agreements it ought to be paying; or he may think that on general principles it is paying too much or too little, and move to alter the rates. He should, however, remember that since the Poplar wage case it has been definitely laid down that London boroughs, at all events, may not pay what wages they like, but must not exceed a scale which appears suitable to the District Auditor of the Ministry of Health. Under the present Trade Union Act, it is also unlawful for local authorities to stipulate that their employees must or must not be Trade Unionists.

CHAPTER V

THE COUNCIL'S FUNDS

I. WHERE THEY COME FROM

BY now, we will hope, our Councillor is fairly at home with the nature and procedure of the assembly in which he has found himself, and is ready to gain an insight into the work which it is doing. The first subject he should know about is the finance of his Council. Local authorities, as we shall see, have many and various powers and duties, but one element is common to them all: they cost money, and the money has to come from somewhere. This chapter and the next will, therefore, be concerned with the all-important question of money—where it comes from and how it may be spent.

To begin with the sources: local authorities get their money in six different ways; from property belonging to the authority, from fees and fines of various sorts, from payments made for Council services, from State grants, from rates, and from loans. Of these the second three are by far the most important, and we may begin by rapidly clearing the others out of the way.

Revenue from property does not play a very large part in local finance. Most of the newer industrial centres, built when private enterprise was at its height, have no property worth talking about; and even in the old boroughs, which are the most likely to possess property, a great deal of what once belonged to the town was sold or shared among the councillors in the corrupt days of the eighteenth century. There are, however, some towns which own valuable property, as Colchester owns the oyster beds (and quite properly holds a municipal feast every year in their honour); and a few towns are so rich that, before the war, they were almost able to carry on without levying any rates at all. (Of course, many Councils own working-class houses; but these as a rule cost the Council money instead of bringing it in, whereas we are at the moment concerned with lucrative property.) One can only say that towns which own such property are very fortunate, and that our Councillor, if he belongs to one of them, will be spared one of the worst problems of the big industrial centre; but we may also observe that, broadly speaking, it is not possible for a new town to go and do likewise. A Council, for example, will often find it very difficult to buy land even for immediate purposes, and practically impossible to buy it as a speculation for the future; and if in the neighbourhood there is a profitable monopoly, such as oyster-beds, one may be very sure that the Council has no chance of acquiring it. (Welwyn Garden City has of course acquired a good deal of land, but it is not the Welwyn Council that owns it, but a public

utility company, which makes all the difference. See below.)

Fees are a more uniform, but also a very unimportant part of local finance. The most important group of them are fees paid for licences of various sorts, such as those for hired carriages ; and fees are also taken by Councils for issuing certificates, for supervising street works, as when a gas company digs up the road, and the borough sends a surveyor or inspector to see that the work is properly done, and so on. The payments for birth and death certificates and marriage licences come under this heading, but the whole total is comparatively small, and not worth very much attention. One cannot reorganize local government by increasing the cost of bus licences.

COUNCIL SERVICES

Payments for local services are a more important matter ; but whether they actually amount to a large sum or not depends very much on how you count them—that is to say, how the accounts are made out. A very large number of Councils have their own tramways, bus services, gas and electricity undertakings, etc. ; and if you count as revenue all the money taken in fares on say the L.C.C. tramways in the year, it will obviously amount to a very large sum. But, no less obviously, all that is not pure gain to the L.C.C. or any other body which runs local services. Against the receipts from tram fares, electric light charges, etc., has to be set the money which these services

cost to run (including the annual charge for repayment of the money originally borrowed to start them, where that has not been paid off, as it has, for instance, in the case of the Glasgow tramways). The general practice in dealing with these services, therefore, is to have a separate Tramways Account, Gas Account, and so on, in which these receipts and costs are set against one another ; and only to count as revenue to the Council the surplus which remains.

Of course, there may not be a surplus. There may be a deficit, in which case the Council service, whatever it is, will appear on the debit, not the credit side of the accounts. But that in itself, it should be observed, does not necessarily show at all whether the service is being economically run or not. In some cases, of course, where the Council gas company, say, is very old, possesses very obsolete plant, and has never been properly looked after—there are such towns—it may be impossible to make the concern show a surplus anyhow without charging such an impossibly high price for the gas as would cause a public hullabaloo. Generally, however, it is simply a matter of policy ; one Council prefers to charge fairly highly for its gas and show a big surplus on the gas accounts at the end of the year ; another keeps its prices low and just makes the accounts balance. The position is the same as that of a Co-operative Society which has a choice between keeping its prices high and paying a large quarterly dividend, or leaving prices and dividend low : but there is this difference, that whereas a Co-operative Society, having only its trade to live by, cannot reduce

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its prices so low that the dividend would be a minus quantity—i.e., it cannot sell below cost—a local authority, with plenty of other revenue to fall back on, can charge below cost for any of its services if it likes. This is fairly often done, for instance, in the case of trams, where the Council considers it so important that the working class should be able to get about cheaply that it is willing to pay to ensure this. There is no present reason in law why a Council should not make its trams as free as its schools and carry the passengers for nothing, though if a Council did so, there would certainly be a tremendous outcry, and a case might be brought in court to prove that no Council had any right to do so outrageous a thing.

Further, the "debit side" of the undertaking, whatever it is, can be made what you please, according to what is charged against it. The stock example of this is the L.C.C. trams, which are shown as "losing" about a quarter of a million a year. But the tramways account contributes yearly an enormous sum to the upkeep of London streets, which, in any event, would have to be paid by the L.C.C. in some form or other. If these street repairs were not charged to the tramways account, the latter would "look better" in the capitalist sense of the word "better"; but the rates, i.e., the amount which the citizens of London pay, would not be a halfpenny less. It is simply a matter of book-keeping.

The amount of revenue, therefore, which can be derived from local services is a very variable thing, and depends upon the policy of the particular Council. In general, electricity undertakings are

more often run to "show a profit" than others. Of course, even where a service does show a surplus ("profit" is really a misleading word to use in this connection) at the end of the year, it by no means follows that the surplus is treated as part of the ordinary income of the Council. It may be set aside to provide for improvement of the service; or it may be put in a special fund only to be used for special purposes (this fund in Glasgow is called the "Common Good"). If it is counted as ordinary income, it is then said to be used "in relief of rates"; and that exactly expresses the case.

STATE GRANTS

We now come to the item State Grants, or Grants-in-aid, which are a comparatively modern and a steadily-increasing part of local revenue. Until the nineteenth century, English local authorities, like English medieval kings, were supposed to "live of their own"; and as, unlike the kings, they could not force other people to pay them taxes, if their own incomes were inadequate it was so much the worse for them. But after England had become an industrial country, local authorities were called upon to undertake services which were reckoned to be of national importance, which most authorities were unable to finance out of local funds, but which could not be left undone without such serious consequences to the country as a whole that the State was forced to step in and help with the cost. The two cases in

which the necessity of such intervention is most obvious are police and main roads. It would be a great nuisance if one town possessed a police force and the next one did not ; it would be an equally serious inconvenience if the main road to Newcastle was all right until it reached the borders of Durham and then ended in a mire. The State, therefore, assists financially in the upkeep of police forces and main roads ; yet these two do not account for the bulk of State grants to local authorities, which are expended on the two great services of housing and education. Education was the first, and is still the chief source of State expenditure upon local services ; and it may be said that all State aid really derives from the education grant. (There are other minor matters towards which the State makes a contribution : these can be looked up in the text-books, but we need only concern ourselves with the four main services.)

The amount of grant, and the method by which it is given, are not the same in the four cases. In the case of the police, and broadly speaking in the case of education, the Home Office and the Board of Education respectively pay half the cost of the service ; and in both cases the grant is conditional on the service being efficiently run and may be withheld or reduced if the State Department is not satisfied. It was by this means that an Education Authority which refused to pay Burnham rates to its teachers and when they struck replaced them with persons inadequately qualified was brought to heel.

The Board of Education's grant, however, does

not in practice amount to half what local authorities actually spend on educational services. In the first place, not all expenditure on education "ranks for grant," i.e., appeals to the Board as worth a fifty per cent. State contribution. A Council cannot spend what it likes and call upon the Board to foot half the bill. The Board has laid down, in a series of most meticulous Orders and Circulars, exactly those services for which it is willing to pay grant; and if a Council needs extra services, it will have to meet the bill out of its own pocket. For example, if a Council wants to take its school children to see *King Lear*, it must buy the tickets itself. Secondly, of latter years the Board has itself fixed a maximum sum beyond which it will not go in paying for any service; and therefore even if local authorities spend more than twice that sum, on however proper an object, they will not get it back. By this means, local expenditure on school meals, for example, has been greatly reduced since 1920.

It should be mentioned here that there is another possible way of financing local services which is supported by some. That is the "block grant," i.e., a system under which the State would simply announce what it intended to pay—being guided presumably, by some estimate of needs—and leave it at that. Local Councils, knowing what they would get from the State, could then arrange to please themselves how much money they spent in addition. A Government Committee was set up some years ago to discuss whether this method would be an improvement on the present one; but there is no sign of its report, and one can

only suppose that its members are quite unable to agree.

Roads are a service for which the State grant is increasing, naturally, because the increase of road traffic makes the cost of roads mount rapidly year by year, whereas the resources of the areas through which the roads pass do not mount in proportion. Main roads to the West, for example, pass through Wiltshire and Berkshire ; but these counties, which are mainly agricultural and therefore poor, can no more pay for the main roads than they could for the Great Western Railway. The Ministry of Transport, therefore, pays nearly the whole cost of the upkeep of main roads, and contributes in a less proportion, according to its own classification, to the cost of other roads.

Housing was one of the latest services to receive State grant ; but housing, like unemployment pay, has been so much the sport of politicians that local authorities have hardly known from one year to another how much they would receive for building houses. First, under Dr. Addison, they got back everything they spent above a certain amount. Naturally, they spent a great deal. Then Dr. Addison's arrangement was abruptly terminated, and for about two years they got no fresh money at all. Then, from Mr. Chamberlain and Mr. Wheatley, they got so much per house (Mr. Wheatley's contribution being considerably higher), and there the matter rests for the moment. It is apparently the hope of the present Government that before long it will be possible once more to reduce the grant to nothing ; to which

one can only say that it does not seem very likely.

Different, however, as are the principles on which these State grants are paid, they all have two features in common. They are all paid in respect of service performed, and they all involve State control in some degree. From the rates, a Council can raise, within certain limits, pretty much what it likes in any given year ; and it may, if the year works out more cheaply than anticipated, show a surplus, make, as it were, a profit out of the ratepayers. But it cannot make a profit out of the State ; in the case of services grant-aided on a percentage basis, it can only draw grants for money which it has actually expended ; and it cannot draw a housing subsidy for houses which it is not actually building. Thus, though the income to be derived from the State is quite large, it cannot be received unless the Council is actually spending money itself for the same service—and generally spending more than the State spends. Further, the State calls the tune where it pays the piper ; and Councils have to submit to a good deal of State inspection and control of services for which the State helps to pay. This has the advantage of screwing up slack and parsimonious Councils ; but it often, particularly in a period of "economy," results in checking the activities of forward areas.

It may have been noticed that there is one important local government activity, which is now generally admitted to be a national problem, for which the State pays hardly anything to local

authorities directly. This is the relief of the poor¹—if that can be termed an “activity.” The great bulk of poverty nowadays is due to unemployment; and unemployment is certainly not within the control of the town in which it arises. Accrington cannot help it if foreign countries cease to buy British cotton goods, nor Woolwich if a war comes to an end and the Government requires no more shells. But each of these events throws thousands of people into poverty; and though the State, by the contribution which it makes to unemployment pay, helps in some measure to relieve this poverty, it is well known that, first, unemployment pay is inadequate to support a family out of employment, and, secondly, when the worker’s “right to benefit” is exhausted the State contribution ceases. Local authorities, then, must make up the difference between unemployment pay and the cost of keeping the unemployed alive, and after some months they must bear the whole cost. This fact it is which, in the years since 1921, has so enormously increased the cost of local government, and increased it, of course, mainly in areas already poor, such as the mining districts of South Wales. During the worst time, and for the most unfortunate places, this burden became so great that the State was forced to render some assistance in the shape of grants given to assist relief work; but this was felt to be wholly exceptional, and it remains true that, except for

¹ The State does, it is true, pay about two and a half millions yearly over to the Boards of Guardians in respect of certain special services. This is, however, an almost stationary amount, and is very small compared to the Guardians’ total expenditure.

its contribution to unemployment pay, the State does not help with the national burden of poverty.

RATES

There remain the rates, which are, of course, the chief source from which the *current* expenses of local government are met. (Loans may not, save in exceptional cases, be used to meet current expenditure.) The principle of rates is clear enough. The local Council or Board draws up its budget for the year, sees how much money will be required and what it may expect to receive from other sources, and then levies a rate of so much in the pound sufficient to cover the remainder.

How does it know how high a rate will cover it? By knowing the "assessable value" of its area. To understand assessable value we must go back a little way into history. The first purpose for which rates were levied (in the reign of Elizabeth) was the support of the poor. The Overseers of the Poor were given power to fix how much each person ought to contribute to the support of the poor, and all subsequent rates, such as the education rate, and the "general district rate" (which is used mainly for public health services) have to all intents and purposes been added to the poor rate. The poor rate is the basis of our whole rating system.

Now, the poor rate was first fixed in the time of Elizabeth, that is to say, when England was a country mainly of peasants, farmers, and land-

owners, and when you could estimate a man's wealth pretty accurately by looking at the value of the land and houses he occupied—what the lawyers called his “real” property. Of course there was even then “movable” property—possessions of various sorts which were neither houses nor land—but taken as a whole, it was quite small in amount compared with the real property. So to those early legislators it seemed fair that a man should contribute to the relief of the poor in proportion to the value of the land and buildings he possessed ; a value which, if he were a tenant and not an owner, was roughly represented by the rent he paid. To this day a farmer's income tax is fixed according to his rent. Payers of national income-tax find that the State is not content with a tax on the amount they receive from the occupation of land and buildings, but taxes all their wealth, from whatever source derived ; but land and buildings are still the basis of local rates. That is to say, rates are not really levied on the ratepayer ; they are levied on the piece of property, and since a house cannot itself pay a rate, the person who is occupying it at the time has to pay it.

There are obviously many things to be said against this system, of which the chief is that under it a great deal of property—and hence a great many rich men—does not pay anything like its share. A man may be making a great deal of money ; but if he chooses to live in a tiny house and does not own land he makes hardly any contribution to the funds of his local authority. The injustice of this has been strongly felt, and

many proposals made for dealing with it, from one that all rates should be abolished and the State simply pay local expenses out of national taxation to one for dividing up all income according to the place where it was made ; but there are a very great many difficulties, and no satisfactory solution has yet been formed.

The value for rating purposes (called "rateable value") is fixed periodically by assessment, i.e., by people who tour the district and settle how much each piece of property is worth. If you see two or three men in the road gazing earnestly at your house, the probabilities are that they are not burglars, but assessors considering whether its rateable value is not a little higher than it has been thought to be. When the rateable value of all the property in the district is settled, the amount of the rate required can then be fixed ; e.g., if the rateable value of Mudcombe is a million pounds per annum, and the Council and the Guardians between them want £500,000, the rate must be fixed at 10s. in the pound. (We can express the situation by saying that in Mudcombe the product of a penny rate is £4,166 13s. 4d.) Special arrangements, which are too complicated to set out here, are made for cases of special difficulty, such as the land occupied by a railway company ; and farmers, who are presumed to have little wealth beyond their land, only pay rates on one-quarter of its estimated value. In the case of very small property, such as one-roomed tenements, the landlord often collects the rates with the rent and pays them over in a lump, receiving of course a fee for doing so. This is called "indirect rating,"

and before the war tenants indirectly rated often did not know that they paid rates at all.

Legally, rating authorities can levy any rates they like, provided that the purpose for which they are levied is lawful; and ratepayers (unless they can successfully plead poverty) must pay the rates, or be punished with loss of their goods or imprisonment. In practice, of course, a limit is set by the willingness of people to pay; and though there have been plenty of instances of rates being fixed at more than 20s. in the pound,¹ they have very rarely risen above 30s.

LOANS

Loans are the method by which a local authority, like a company, pays for its capital expenditure. Obviously, if the whole cost of building, say, a new gas works, had to be paid out of the income for the year in which it was built, it would be impossible to collect rates enough to meet the bill, and the local authority would go bankrupt. For capital expenditure it therefore borrows money, either from the State, or from private investors who buy debentures or stock certificates. These investors have as security for their money the property and rates, etc., of the district for which the loan was raised.

Local authorities may not, however, like companies, borrow money as and where they please,

¹ That is to say, at more than the nominal annual value of the whole town. In this case, of course, the balance is paid out of income not derived from land or buildings.

but are restricted in a number of ways. In the first place, they can only borrow for certain purposes, however, which are laid down by Act of Parliament. Even if the purpose for which our Council wants the money is perfectly lawful, it still has to get the specific permission of the Government (generally of the Minister of Health) to raise its loan. And the Government will not grant permission until it has seen full estimates of the work which the Council wants to do, how it proposes to do it, how much it will cost and how the loan is to be repaid. For local loans, unlike company share capital and the Funded Debt, have to be repaid ; and every plan for borrowing which a Council puts forward must provide, not only for payment of interest on the loan, but for repayment of the principal within a certain term of years, which is fixed either by Act of Parliament or by the Government. The fund set up to repay the borrowed money is known as the Sinking Fund ; and all over the country there are a vast number of such sinking funds in existence. The total of the amount of loan raised by local authorities and still outstanding is called the total of municipal debt, which is rather a misleading term, as it suggests to many people that local authorities are insolvent. What it means is simply that they are buying expensive plant, etc. on the instalment plan, and are no more insolvent than a man buying his house through a building society. Their capital assets more than cover their liability, except in the cases mentioned below, which are, as will be seen, in a special position.

There is one fairly important exception to the

statement that money cannot be borrowed to meet current expenditure. During the past few years, Boards of Guardians which, owing to the fearful depression, could not possibly support their own poor, were in certain cases allowed to borrow money from the banks and eventually from the State. This, however, really meant that these Boards were bankrupt, and in a very short time the Government began to treat them as bankrupts are commonly treated ; that is to say, it began to dictate how their work should be carried on, how much relief should be paid to the poor, and eventually took power (through an Act of Parliament) actually to dismiss the Boards which had got into debt and appoint Government Commissions to do their work for them, as receivers are appointed to carry on the business of bankrupt companies. In effect, therefore, the areas in which this happened were forced by poverty to sell their right of self-government. How far this process will be carried, and whether the State ought to treat a poor locality as it treats a bankrupt company, are matters for discussion ; the fact does not, however, affect the general principle regarding loans.

CHAPTER VI

THE COUNCIL'S FUNDS

II. HOW THEY ARE SPENT

WE have seen that local authorities get their money in a great many different ways. Generally speaking, when the State lays a new task upon local authorities, such as that of housing their poorer members, it also lays down where the money is to come from. E.g., in education the upkeep of the schools, teachers' salaries, etc., have to be paid for out of the rates (the State contributing as mentioned in the last chapter); but for school buildings money may be borrowed. We now have to see how it is spent.

The purposes on which it is spent are dealt with in the next chapters. Whatever the objects of expenditure, however, the only way in which money can actually be spent is by authorization of the Council or Board. Of course it is not necessary to have a special resolution for every single item; as in the case of Parliament, and indeed of every large concern, the estimates are brought up and passed in general, and the accounts passed at the end of the year. On a large Council, the passing of the estimates may take a long time,

as each Committee generally draws up and discusses its own estimates in detail, then passes them to the Finance Committee, and finally to the whole Council for approval. It is very important for a Councillor to discover exactly how on his particular Council the estimates are treated—that is to say, what are the standing orders on financial matters—in order that if he wants to raise points, question items, or make new proposals, he may be able to do it at the proper time.

ACCOUNTS

All bodies which are allowed to levy rates must by law keep accounts ; and these accounts must be open in some form or other to public inspection. The form varies according to the class of local authority concerned. In the larger bodies, the money has to be divided up into separate funds—borough fund, general district fund, etc.—and the accounts for certain purposes, such as housing and education, have to be kept separately. This is of no particular importance in principle, but it is very important for the understanding of local accounts, which, largely owing to the fact that there is no common form for them in use throughout the country, are often as difficult as bank balance-sheets to understand. Our Councillor will have to do the best he can by using his own wits and by pestering the Treasurer. He will generally find that each of the services which his Council runs has its own separate account, and that only the surplus from that account is carried

forward to the general account. He will also find Capital Accounts, which, for such a service as tramways, show the total amount of capital which has been borrowed and the total amount spent ; in this case the money spent in interest and repayment will appear not in the capital account, but in the general tramways account. Where there are two or more separate *funds*—as distinct from separate *accounts*—he may find them making cross-payments to each other, e.g., for the cost of the charwoman who cleans out the Town Hall ; and he will probably be unable finally to understand what on earth the accounts mean without the help of an old hand or an accountant friend.

It is unfortunate that local accounts should be so complicated, as this often makes the provisions for public inspection of no value ; and citizens who grumble regularly at the rates may not have the slightest idea where their money really goes. (They probably think it is all spent on pampering the poor !) Some American cities have taken the excellent step of issuing a pamphlet explaining their finance, showing what the city is doing, what it is paying for it, and how much of the rates goes on this and that service. It would be well if English cities would follow their example.

AUDIT

Local accounts, like Government accounts, must be audited. This must generally be done by District Auditors, who are officials appointed by the Ministry of Health. Borough Councils need

not have their accounts audited by the District Auditor unless they like, but may elect their own auditors ; but even in their case the education and housing accounts must be audited by the Government. Practically no other authority is allowed to audit its own accounts.

Audit by borough auditors is a comparatively small affair. Borough auditors can only go through and check the accounts, they cannot disallow expenditure, or recover any money lost or improperly spent ; though they can issue a report calling attention to anything they think wrong or undesirable. But the District Audit is another business altogether, and one which profoundly influences local government. In addition to auditing the accounts in the ordinary way, and calling upon any persons who hold books or documents pertaining to the accounts to produce them, the District Auditor has power to disallow the payment of any money which it seems to him that the authority whose accounts he is auditing ought not to have paid. This means that the money in question cannot be spent, and as, of course, it has already been spent, the Auditor orders the people responsible for spending it, i.e., the members of the Council or Board, to pay it back. Such an order is called a *surcharge*. The Ministry of Health may, if it likes, "remit the surcharge," i.e., let the surcharged persons off without repaying the money ; and if the amount is small or there has been a genuine mistake, it frequently does so. But if it does not, then, unless the surcharged persons can bring a case in the High Court and get the Court to declare that

the Auditor was wrong and they ought not to be surcharged, they will have to repay the money or forfeit their property, or go to prison. This was what happened in Poplar in 1923.

Now, owing to the fact that English law is only partly to be found in Acts of Parliament, and quite as much in a whole series of decisions of the Courts—called “case law”—it is very difficult to say *in detail* exactly what a local authority can legally do. We therefore see that the District Auditor, in his power to surcharge, actually exercises a good deal of control over local authorities by *interpreting* the law on detailed points; and, as the District Auditor is a Government official, that in practice gives the State a good deal of power over local authorities. It is true that the Auditor has not the final say in the matter; but taking a case to the Courts is very expensive, and a local Council will not generally do this unless there is a really important principle at stake. The present tendency is to increase the powers of District Auditors by putting more and more of local funds under their control; so that it is very important to understand exactly the powers which they wield.

CHAPTER VII

THE COUNCIL'S WORK

I. GENERAL AND POLICE

OUR Councillor may now be presumed to know the ropes of his Council, how it works, where the money comes from and how it may be paid out. He now wants to know for what purposes it can or ought to be paid out. What, in fact, is local government *for*.

This is a large question, and we may as well begin the answer by seeing how local authorities get their powers. In the first place, they get them from Parliament. Originally, this was not always so ; the old towns got their powers from custom and from the King as well as from Parliament ; but in the reorganization this was swept away ; and, except for those boroughs which still have special powers under ancient charters, no local body may do anything unless Parliament has specially laid down either in an Act of Parliament or in an order issued under an Act of Parliament that it may.

But all local authorities have not the same powers—not even all local authorities of the same kind. There are certain things, such as securing

a pure water supply, which every local authority except a Parish Council *must* do ; and there are certain other things, such as providing elementary education, which every local authority must do if it is of a particular kind or above a certain population. This group of activities we will call the " compulsory activities."

Then there is a group of " optional activities " —that is to say, things which Parliament has said that a Council may do if it likes, but need not if it doesn't. For instance, a Borough Council need not run a public library, but it may ; it need not have a public slaughter-house, but it may ; and so on through a whole list of activities. The Acts under which Councils may do these things are called Adoptive Acts, or adoptive clauses of general Acts ; and before a Council can do any of them it must " adopt " the Act or the clause, according to certain prescribed rules, which often involve getting the consent of a Government Department. There are also a few things, such as street cleaning, which a Government Department may order a Council to do.

This does not exhaust the list of local government activities, for there are all those (including most forms of " municipal enterprise ") for which a special private Act of Parliament is required. Thus, there is no general law under which a Council may run its own tramway service ; if it wants to, it must get a special Order allowing it to do so ; and it is the same with many other municipal services. If Huddersfield has powers to run a municipal bus service this will not enable Bradford to do likewise : Bradford must get an

Act of its own. Nor does it by any means always follow that Bradford will get its Act, even if Huddersfield has one ; precedents are not always followed. For instance, Birmingham has a municipal bank which was set up under a special Act of Parliament. But, although several other local Councils have tried to set up municipal banks, in each case the Local Legislation Committee mentioned above, which has to go through all Private Acts before they reach Parliament itself, has struck out the clause dealing with banks. This is a very serious hindrance to municipal enterprise ; it may be argued that local Councils, who are rather in the position of trustees of the ratepayers' money, ought not to be able to risk it as recklessly as companies risk the funds of their shareholders, but it does not seem necessary to make it so difficult for them to undertake anything fresh at all. The Labour Party has therefore several times brought forward a Bill, called the Local Authorities Enabling Bill, which would allow local authorities, subject to certain restrictions, to do anything which a registered company may lawfully do ; but there seems no present chance of its passing.

A hindrance for which there seems even less reason is that a Council should have to get a special Act passed to enable it to do what many Councils are already doing. As already explained, it is very expensive to get a private Act passed ; in the case of municipal enterprise, it is even more expensive, for there are generally private trading enterprises (such as bus companies) in the field which will spend up to almost any figure to avoid

having the Council as a competitor. Even if the Council's Bill goes through, then, there are all these immense costs, most of them unnecessary, to be paid out of the rates ; and a milder variant of the Enabling Bill has therefore been proposed which would allow any local authority to do anything which any other had done. It does not appear likely that this suggestion either will become law in the near future.

It is impossible in a book this size to give an account of anything like all the jobs which a local Council may have to do. We can only set out a rough classification, and leave the reader to follow up the details, which are often very complicated, in larger works.

JUSTICE AND POLICE

In early days, before England had a strong central government, the primary duty of local bodies was to defend their citizens, and keep the peace and deal out justice among them. Most of that duty has gradually disappeared ; Town Councils and County Councils do not either appoint their own magistrates or keep up a local militia. They still, however, have a certain responsibility for keeping the peace, in that they are still (except London) responsible for their own police forces. This only applies in full to the larger Borough Councils ; small boroughs are not allowed to have police forces of their own. In the country districts there are no small police forces ; the county police force deals with the

whole area, including the urban districts and the little boroughs.

The county police force, however, is not, as might be expected, under the sole control of the County Council. Before 1888 county government, with the police forces, was in the hands of the magistrates, and when the magistrates lost their control of the rest of local government, they kept half the control of the police service, which is now run by a committee chosen half by the County Council and half by the magistrates in Quarter Sessions.

CHAPTER VIII

THE COUNCIL'S WORK

II. PREVENTION OF NUISANCES : POOR LAW AND PUBLIC HEALTH

THE second great job of local authorities is to prevent nuisances. A "nuisance," legally speaking, is not only a stopped-up drain, or decayed meat in the road, or somebody learning the bagpipes, or any one of the pictures which is conjured up by the words "Inspector of Nuisances." It covers anything which annoys, hinders, or inconveniences either one person or a number of persons to such an extent that he or they may reasonably expect to have it altered or removed. The nuisances mentioned above are mostly quite minor and particular nuisances, and to deal with them local Councils have the power to make bye-laws defining what people may and may not do within the Council's area. E.g., in most towns you must not keep a pig in your house ; you must put your litter in a dust-bin and not in the road ; you must not leave taps running all day, or build a house which overhangs the street ; you must not ride a bicycle on the pavement or without lights after dark, etc. On all these subjects Councils have the

power to make bye-laws, which are simply "little laws" applying only to a single area; with this restriction, that in most cases if the Ministry of Health or the courts hold that a proposed bye-law is unreasonable or unenforceable, it can be quashed. For instance, a bye-law which forbade householders to have cats in their gardens would probably be quashed as unenforceable, and one ordering no houses to be built more than one storey high as unreasonable. (Councils have also the power to make bye-laws for the other services with which they have to deal; but this power varies greatly according to the general powers of the Council.) All bye-laws must be exhibited in a public place; and our Councillor should make sure that he has a copy of the bye-laws himself, and that they are put up where his constituents have a reasonable chance of seeing them.

POVERTY

But besides these minor nuisances, there are other major nuisances with which local authorities have to deal, and which, indeed, may be said to provide the main reason why modern local authorities exist at all. First among these come the poor. It may seem cynical to look upon the poor as a nuisance; but Mr. and Mrs. Webb have conclusively proved that the Poor Law was first created because the poor were a nuisance, because the "idle vagabond" and starving person worried and annoyed the citizen of Tudor times. So the poor man had to be cleared out of the way or set

to work. "Setting him to work," since he was poor mainly because his work was not wanted, has always been a difficult job and has never touched more than the fringe of the problem. So the general policy for dealing with the poor man has been either to stuff him away in a workhouse or to give him "out-relief" in the form of food, clothing, or money to enable him to keep alive. (It is against the law to refuse relief to a man so that he starves to death; but whether a case can be brought against the Relieving Officer unless someone actually has died is not known.)

The Act which at present practically governs poor relief is the Poor Law of 1834 and the regulations made under it. This Poor Law was passed at a time when a careless granting of out-relief in money, particularly to agricultural labourers,¹ had resulted in a great depression of wages and consequent demoralization of the working-class. For this and other reasons the 1834 reformers emptied the baby out with the bath and rushed to the other extreme of giving as little relief as possible. Their intention was that, while old and sick people might in some cases be relieved in their own homes, persons who were able to work—and presumably were not working simply out of obstinacy and laziness—were to be put away in workhouses, where the conditions, food, etc. were to be made so rigid that the worst wage obtainable would be an improvement. But workhouses, however unpleasant, cost a great deal of money; and it was impossible to build enough

¹ Known as the "Speenhamland System," though it was certainly not a system.

of them to carry out this grim policy in full. It became necessary to give, at first food and clothes, and afterwards money to those "able-bodied" persons who could not be got into workhouses; and at the present time, of the great amount spent by the Guardians, by far the largest part goes in out-relief, and a great deal of that is paid actually in cash.¹

It should be realized, however, that the Guardians are not obliged to pay relief in cash, or, indeed, in any particular way. In fact, they have, subject to Government Orders, absolute discretion in the payment of relief, and may make any conditions they like before they grant it; e.g., they may insist upon the man selling any possessions he has, they may force him and/or his wife and children to go into the workhouse, they may put him to work on any job they choose. (But they may not pay relief of any kind to a man on strike or locked-out, unless he is ill, though they may to his wife and family.) Poor relief is still nominally an individual charity, given to the poor man to prevent him from becoming a nuisance by dying, begging, sleeping in the hedge, or falling seriously ill.

In practice, of course, the Poor Law has become slowly milder in its operation. Guardians are now ordered to make workhouses a little less frightful than they were in the mid-nineteenth century; and the treatment of old and sick people and

¹ Out-relief given in money is still actually forbidden (under the Relief Regulation Order, 1911) except in "special circumstances," but ever since 1921, widespread unemployment has been held to be a "special circumstance."

children has become much more reasonable. More money can now be spent on poor law schools and the care of workhouse children, and some poor law infirmaries are quite good hospitals. But two things remain, and always will remain as long as the present system exists: the "taint of the Poor Law," this conviction that the man who is poor is a recipient of charity and must be kept worse off than the man who is in work; and the fact that as the State does not help to any extent the areas which have to spend most on poor relief are those in which there are most poor and fewest rich—the rather poor, in fact, have in local government to pay for the very poor. The so-called "financial breakdown of local government" is largely a question of the Poor Law, and many schemes, none of which have come into operation, have been proposed for dealing with it.

PUBLIC HEALTH

In order of time, the next nuisance which needed prevention was the nuisance of disease. It may seem odd that until the nineteenth century disease was not reckoned to be a nuisance which demanded prevention; but this was due mainly to two facts. First, it was not until the end of the eighteenth century that people began really to understand that a large amount of infectious disease (which is, of course, the most obvious nuisance) could be prevented by sanitation and not otherwise. Secondly, the growth of large towns, particularly the horrible towns that sprang up in insanitary

heaps during the industrial revolution, brought the dangers of disease much more under people's notice. Local sanitation—and a great deal of local government itself—owes its beginnings to the cholera epidemics of the 'thirties and the 'forties, which woke the Government up to the realization that something must be done. There was, at first, a great deal of blundering and botching over the business. Neither the public health experts nor the political theorists of that day understood their job perfectly, and large and expensive mistakes were made. For instance, it more than once happened that an enthusiastic local Board of Health, having observed that the inhabitants of their town got their water from a number of wells and springs, many of which were tainted, decided to have a single water supply delivered in pipes to the whole town, but omitted to make sure that the source from which they got their single supply was pure and free from infection. The only result then was that the whole town got typhoid at once, instead of a part of it; and this did not make the Board of Health any more popular. More important than this, the first Board of Health consisted of appointed officials who tried to regulate the whole country with little or no regard for vested interests or local prejudices. This in many cases proved fatal; for quite apart from the passionate way in which people with dirty habits seem to cling to them, there were in every town a large number of important citizens whose wealth was actually dependent on dirt and disease, and who could be relied upon to oppose fervently any sort of reform.

The "slum landlord" is not the only obstacle to public health reform.

Eventually the Boards of Health became so unpopular that they were abolished; and after considerable confusion, in 1872 the experiment was tried of electing Councils (known as rural and urban sanitary authorities), with the job of making their own districts habitable. This experiment succeeded; and the new authorities remain to this day, though since 1894 they have been called Rural and Urban District Councils. (For public health purposes Borough Councils of all kinds rank as Urban District Councils, and County Councils also have powers in certain cases.)

What have they to do? How, in fact, can they make their districts healthy without treading too much on the toes of private interests? To give the answer in full would mean going through about two-thirds of the work of a normal Council, which would be neither interesting nor illuminating; but we may consider a few of the most important questions. We shall notice that here, as in most walks of life, the law is tender of private profits; and that, where someone has an interest in performing a particular job, the Council is not allowed to step in and do it itself, unless the private company or person is doing it so badly as to be a public nuisance.

DRAINAGE AND WATER

For instance, anyone setting out to make a town reasonably healthy to live in would, one imagines, first of all concern himself to give it

proper drains and a pure and plentiful water supply. Now a sewer is not a thing out of which anybody can possibly make a profit; consequently, public health authorities have to own and keep up sewers (and may interfere with a man's private drains if they are likely to become a nuisance). But water supply can be made to pay, and always used to be run for a profit, as shareholders of the London New River Company knew very well. Therefore, a Council may not supply water to its citizens if there is a water company already doing so. But running a water supply for a profit means, of course, that those who cannot pay cannot have any water; and in the first half of the nineteenth century there were so many scandalous cases of water companies charging too much and so making it impossible for water to be supplied to those who needed it most, that public opinion gradually realized that the necessity of having plenty of pure water would have to outweigh the risk of interfering with private interests. A water company, then, is not protected against a Council setting up its own waterworks unless it provides an "adequate supply" of water—and the Council has to see that it does so. Even, however, if the Council is allowed to set up its own waterworks, it may very soon find itself up against another set of interests. It must make a reservoir somewhere, on land which presumably belongs to somebody; and if the somebody is recalcitrant, the general Acts give it no power to force him to sell the land. It will then have to get a special Act of Parliament, which of course will add considerably to the cost.

Generally speaking, the water supply throughout the country is now, owing to the fear of cholera and typhoid, pretty pure ; its adequacy is another matter, and varies greatly from district to district. The citizens of London, for example, would faint if they were asked to live on the water-supply which is considered adequate for the inhabitants of rural Oxfordshire ; and this is by no means entirely because a big and dirty town necessarily needs more water per head than a country district. It is very largely a question of money. Nearly all country parts are flooded out, more or less, in winter, and run dry in summer ; and the expense necessary to store the floods and make them available for dry weather would ruin almost any rural Council. Meantime, our English climate affords just enough water, even in dry summers, to carry on with ; but to provide a civilized water supply for country districts would cost much more than is at all likely to be forthcoming. Even for cities with plenty of money it is an expensive business, particularly when the city has no water near it and has to bring it from some Welsh lake a hundred or two miles away.

STREET-CLEANING, ETC.

Next, presumably, our health reformer would take pains to see that the streets were kept clean and paved, not littered with refuse or knee-deep in mud, and that they were properly lighted at night. Here again he will find much the same distinction. He will find the Council interfering

with the private citizen to prevent him creating a nuisance by, for instance, throwing his slops out of the window ; but he will find plenty of street lighting companies about, since street-lighting can be profitable. Street-cleaning, however, seldom yields a profit, even less now, when the motor car, whose droppings are of no value to anybody, is so rapidly replacing the manure-producing horse ; and street-paving never did. He will therefore find that the Council cleans the streets ; and that it generally has to attend to the paving even of " private streets," since private owners will not keep them up to the Council standard.

" Public streets " ¹ the Council must repair, for nobody else wants to ; and if it can it will get the Government to help with the cost. In the case of new " private streets," since they must be kept in order somehow, it will generally agree, if the street is properly built in the first instance, to keep it in order for the future. This condition frequently comes as an unpleasant surprise to the worker who is buying through a building society a house in a new " desirable residential area," and suddenly finds he has to pay twenty or thirty pounds for having a stretch of ruts and mud in front of his gate made into a practicable road. ²

TREATING DISEASE

We have done, then, what we can to prevent disease by providing water and stamping out dirt.

¹ " Highways repairable by the inhabitants at large " is their legal name.

² Even a Parish Council has its part to play here. It is not concerned with roads, but it may repair footpaths.

The dirty private house we have not yet touched ; but, as we shall see, it was some time before the British public managed to take in the idea that dirt was not less dangerous to health because it was on private premises. Nevertheless, in spite of all our precautions, disease will break out. What are we to do about it ? If infectious disease makes its appearance in a crowded and poor part of the town, it is almost certain to spread unless the sick people can be taken away and nursed in a separate place. But hospitals, even the cheapest hospitals, are expensive to run ; and if sick people had really to pay what it costs to keep them in hospital, only rich people could afford to fall ill. Private nursing-homes, where the well-to-do go, may be run at a profit—and are even, sometimes, run at a scandalous profit—but hospitals, even from the beginning, were mainly run as a charity, i.e., out of the gifts of the wealthy. It does not need the large begging notices which practically every hospital in the kingdom is now putting up to make it quite plain that private charity will not deal with one half the sick poor of the country ; and as unfortunately the poor will fall ill, the local health authority must have power to provide hospitals for them. As a corollary to this, it is allowed to insist that cases of infectious disease should be reported to it, and to prosecute people who make themselves a nuisance by being careless of infection (e.g., by spitting at haphazard). The notification of disease, it may be observed, shows in small compass the historical growth of local government. The diseases which were most feared in the nineteenth century, such as typhoid,

plague, cholera, small-pox and scarlet fever, are compulsorily notifiable in every area ; whereas measles, which was hardly counted a disease until the present century, is only notifiable in some areas ; and influenza, which now kills more than any other disease, not at all. We may yet reach a state in which anyone who catches a cold will have to notify the Medical Officer.

For some obscure reason, vaccination, which is supposed by most people to prevent small-pox, is performed not by any Council, but by the Board of Guardians.

PREVENTING DISEASE

At this point someone may well object : " But all this work is not *prevention* of disease. At best it is a very inadequate curing of it, plus an attempt to confine outbreaks as far as possible. It is like pouring water on a burning house, and blowing up the next door house so that the fire should not spread, instead of building the house of less inflammable material and keeping a fire-extinguisher handy. Why not prevent disease before it has happened ? "

The answer, of course, is that local government cannot get ahead of the general public ; and that even to this day most people think of curing themselves when they have fallen ill rather than of keeping healthy. Local health authorities, remember, exist to get rid of nuisances ; and a man who may fall ill at any moment, because he is not keeping himself in proper condition, may be a potential, but is hardly an actual nuisance.

Nevertheless, the Councils are there, armed necessarily with a certain amount of medical skill and hospital apparatus and not composed wholly of unenlightened persons; and public health authorities have, as a matter of fact, in recent years been responsible for a good deal of valuable research, advice and propaganda in the actual prevention of disease. The best single example is that of the centres for maternity and child welfare which, since 1918, any Council except a Parish Council may provide; but there is also much valuable work being done (such as that dealing with smoke-abatement) which cannot be classified, but which will provide the necessary basis for the next crop of social legislation. In this we see how local government develops from negative functions, from telling people *not* to do things, to positive ones.

CHAPTER IX

THE COUNCIL'S WORK

III. PREVENTION OF NUISANCES : HOUSING AND TOWN-PLANNING

BUT, of course, little can be done to train in sanitary habits a population which has to live in insanitary houses. It is not generally realized that the whole of the housing work of local authorities is merely the partial removal of one of the most enormous nuisances in modern England. Yet it is surely clear—though for long the fact was not faced in local government—that it is of little use for the Council to clean a street daily, and run Council waterpipes through it, if the tenants of the court which opens out of it live in rotten, crumbling, dark, airless, bug-ridden houses with only one water-tap to a dozen of them; and if these houses are so old and so jammed together that no expenditure on repairs could ever make them clean or decent. But, of course, houses are generally private property, and for this reason the law was very slow to interfere with them, and Councils were not allowed to provide them to any extent until it was quite clear that private capital was no longer finding

working-class houses a tempting field of investment—i.e., that there was no longer *profit* in them.

It was not until the Cross and Torrens Housing Acts (passed from 1868 onwards) that local authorities had authority to interfere with the owner of a private house except to see that his house did not overhang the street or drop chimney-pots on the heads of passers-by. From this the history is much like that of any other public health service, only delayed. The health authorities were told to go and inspect working-class houses; if a house were found to be unhealthy, to order the owner to put it right; if it were so unhealthy as to be beyond repair, to “condemn” it, i.e., to order it to be pulled down; and, finally, if it were not only itself beyond repair, but situated in an area so slummy that no pulling down of single houses could make it habitable, to “clear the slum,” that is to say, to pull the whole thing down and either arrange for better houses to be built on the same site or rehouse the people somewhere else.

As anyone who knows anything of the way in which our industrial towns were built can imagine, it was very soon seen that (*a*) nearly all the working-class houses in some towns needed repair, (*b*) a great many of them were so rotten as to be beyond repair, and (*c*) there were vast extents of unreclaimable slum. So problems immediately arose; first, how could landlords, some of whom were only just not so poor as their tenants, be forced to spend large sums on putting their houses in order; and second and much greater, if the unrepairable houses and the unreclaimable slums

were pulled down, what on earth was to be done with the people who lived in them—often forty or fifty to a house—quite apart from the new houses which would always be needed to provide for the increase of population?

It thus became clear that the "nuisance" of insanitary houses, having been left to grow so long unhindered, could not be remedied except by the building of quantities of new ones; but, unless the new ones were to be as bad as the old, it was necessary for the local authority to see that they were properly built, not too close together, and provided with drains and water. This meant a considerably increased cost—in land, for example; and thus the cost of building houses went up at the same time as the need for them increased. The golden days of the rack-renter were over; capital ceased to flow in streams into the house-building trade, and building workers hastened to apprentice their sons somewhere else. At long last it became apparent to everybody that if the Councils did not build houses, houses in many places would not be built; and in 1890 they were at last authorized to build houses. During the first years of this century, particularly after the 1909 Housing Act, some little improvement was visible; but after six months of the war the Government made matters far worse by practically putting a stop to house-building, which forced them to pass the Rent Restriction Acts in order to prevent the raising of rents by more than a fixed amount. The second step of course had to follow the first, or rents would have been raised to famine heights; but nevertheless the effect

as the same as that produced in any trade by trying to lower the price without increasing the supply. Private capital, put out of house-building during the war, declined to return at its end; and, whereas too few new working-class houses had been built by private builders before the war, it was certain at the end of 1918, with the rents and prices then ruling, that none would be built at all. The Government had succeeded in turning a large nuisance into a colossus so great that no Council could possibly cope with it, unless the State came to the assistance financially.

Hence "Homes for Heroes," and the kaleidoscope of housing policies described in Chapter V, ending in the present position, under which all Councils (including, under certain circumstances, Parish Councils) have to make some provision for the housing of their inhabitants, and receive from the Government so much per house per annum for houses which are approved by the Ministry of Health and comply with certain standards as to size, rent, amenities, etc. Landlords, in this case, are not allowed to hold the Council to ransom; for they can be compelled to sell their land at a fair price.

The older duty, that of seeing that houses are kept in order, and defective ones repaired or pulled down, of course continues; but in practice it is conditioned by the rate at which new houses can be built, and there is still such a shortage that a wholesale destruction of insanitary property is impossible. Cellar-dwellings, for example, which were forbidden in 1875, are still to be found in many cities; and plenty of houses condemned

before the war are full of families to-day. Yet local authorities are commanded by law to prevent "overcrowding"—if they can!

TOWN-PLANNING

As the purpose of Council house-building is to prevent insanitary slums, it is important that new houses should not be built, as the old industrial towns were built, in such a way that they cannot help becoming slums in a generation. This is partly provided for by clauses laying down that houses shall not be built too close together. But the problem of making future towns, and the new parts of present towns, places in which it will be possible to live reasonably well, is much wider; and here the present law is lamentably deficient. Towns grow very fast nowadays; they also, with modern transport, spread themselves out for long distances; and what is needed is that the builders of new houses should be able to take long and wide views, extending over fifty miles and twenty or thirty years, and say, "Here, and here, this town is going to grow. Well, we will plan it in advance. Here, and here we will have main roads, wide enough to take plenty of traffic and yet with room to prevent foot passengers from being choked or crushed. Here shall be streets of large houses, here of small houses; here a shopping and office quarter. These hundred acres shall be reserved for a park; this belt or tract of land shall always remain agricultural; and in this part we will put factories, where they will not smoke over the park, or make unpleasant smells close by people's

houses. Then we shall be able to approach the railway companies and other transport authorities to put their lines and stations where they will be most convenient."

Welwyn and Letchworth are examples of towns which have been "town-planned" from the start; but they are run by public utility companies, which can do a great many things—notably, raise capital and buy land at will in any place—which no Council can. If they were not run by companies, they would not be as they are; for, although "town-planning" has been recognized by the law since 1909, and since 1918 Councils with housing powers have been obliged to prepare town-planning schemes, these schemes only have reference to the areas within their control, and are often nothing more than tinkering with half a dozen streets. To talk, as the Ministry of Health does, of "town-planning" fifteen acres, is to talk nonsense. It is true that several Councils may set up joint town-planning committees to make plans for a large area; but in the first place such committees are only advisory, i.e., they have no real powers, and secondly, they cannot force unwilling Councils to come in, even if their areas are situated right in the middle of the district under discussion. "Region-planning," which is what this country really requires, is still in the future.

MINOR ACTIVITIES

These are the big public health activities; but a Councillor keen on public health will find that

the spectacular activities take up much less than he imagined of the Council's time and attention. If he is really following the public health work of his town, he will find himself not preparing large housing schemes or building hospitals, but running to and fro among a host of minor jobs, preventing fish-curers from starting a factory close by the lying-in hospital, warning dairymen who sell dirty milk, providing a crematorium, and seeing that shop-keepers do not use false weights. An account of all these jobs would run into pages, and will not be attempted ; yet the Councillor or student must realize that though non-spectacular and often uninteresting, they form all together by no means the least important part of rendering a town possible to live and work in.

CHAPTER X

THE COUNCIL'S WORK

IV. EDUCATION AND PUBLIC UTILITIES

LOCAL government has not, it will be seen, grown up on any logical plan, and it is often very difficult to give any logical reason why any particular duty should have been thrust on a particular authority. Why, for example, should Boards of Guardians have to register births and deaths?

The answer to this and to several similar questions is "Because they were there when the job was first created." And in any complete list of local authorities' duties there will be found a number which were put upon the local authorities because they had to be done by somebody in the locality, and it seemed easiest to use the body that was there already. A list of these duties would not be illuminating; but one of them is so important as to need a section to itself. It was not till the abolition of the School Boards in 1902 that local Councils were made responsible for public education.

In the nineteenth century religion, and in recent years "economy" have been the great hindrances to the growth of State education. As industrial

civilization developed, it rapidly became clear that persons who could not read, write, and figure were going to be a public nuisance, and that schools were a necessity; but though the first State grants for school buildings were given in 1833, the rivalry between Church and Chapel, over the question of religious instruction in the schools, was so fierce, that a general system of State elementary education could not be created till 1870—after the enfranchisement of the town artisan. The religious bodies rather grudgingly agreed to the “Cowper-Temple compromise,” under which “undenominational” religious teaching was given in the State schools, while the religious bodies were allowed to give religious teaching in schools of their own,¹ for which the School Boards paid salaries, running costs, etc., but did not provide the buildings. From 1870 to 1902 education was locally administered by specially elected School Boards; but in 1902, as already noted, the School Boards were abolished, and their work handed over to the local Councils.

1902 saw, also, the beginnings of State aid for secondary schools. Up till that time, except for small grants to technical and art schools, only elementary education had received any aid from public funds. Then, however, Town and County Councils were allowed to spend money on “higher education,” which means any other than elementary education, including therefore secondary schools, universities, colleges and evening classes. Since then, there has been a great growth in the supply of secondary education to those too poor

¹ These are the “non-provided” schools.

to pay for it; but of course, it is nothing like equivalent to the numbers leaving the elementary schools. There are, however, a number of "central" or "higher elementary" schools, called in Wales intermediate schools, to which children go at about eleven or twelve, and which, as far as curriculum is concerned, are very like secondary schools with less bookwork and more technical training. (The real difference is that the secondary school curriculum is by tradition designed to lead up to the University; the central school to industrial and commercial life.)

The only bodies which can supply elementary education—and they are forced to do so—are the Councils of counties, county boroughs and those non-county boroughs and urban districts which in 1901 had populations of over 10,000 and 20,000 respectively. Other Town Councils can "aid" higher education as well as these; but they are limited in what they may spend. Apart from that, there is no hard and fast distinction between elementary and secondary education. They include what the Board of Education's Code says they may or shall include, and many obviously non-elementary subjects are in fact taught in elementary schools. Elementary schools, however, must be free, while secondary schools may charge fees; though if State-aided, secondary schools must provide a certain proportion of free places.

Gradually, to the duty of providing education there have been added others which are directed towards seeing that the children can profit by it. It is impossible to teach children if they are ill, half-starved, mentally deficient, or worn-out

with walking several miles to school and back ; nor is it any use to give a secondary school or university scholarship to a child whose parents cannot live without his earnings. We therefore find local education authorities medically inspecting all the children under their charge, and many of them treating their minor ailments, providing meals for them at school and buses to take them to and fro, and giving maintenance allowances to scholarship children. For all these services they get grants from the Board of Education, subject to complying with an enormous array of Regulations, Orders and Circulars issued by the Board, which of all Government Departments is most meticulous and most like a fussy maiden aunt. It must also be remembered that a poor area obviously will have to pay for the education, treatment, feeding, etc. of proportionately more children than a rich area. Education, like housing and the Poor Law, is a service falling much more heavily on poor districts ; and a Council which appears very miserly may in reality be doing its work with very limited resources.

Next comes the duty of helping the great number of people who still pass out of the schools without having had anything that could be described as higher education at all, and who in later life desire to make up their deficiencies and to study new subjects. For these unfortunates local education authorities (and the Board of Education) help classes arranged by voluntary bodies, such as, in particular, the Workers' Educational Association, which, owned and controlled by working-class bodies and members of the working-

class, now runs a large number of lectures, classes and summer schools all over the country. One of the objects which our new Councillor should certainly set himself is to see whether his Council is doing its duty by adult education, and if not to stimulate it.

"PUBLIC UTILITIES"

Not all the other activities of Councils have, however, been forced on them by the State. There is a large group which they have undertaken for themselves, because, as responsible for their town's well-being, they considered it essential. These activities, which are called "public utilities," are really aimed at superseding or supplementing "private enterprise" where the latter has noticeably failed to provide for the needs of an area; and Town Councils themselves have generally provided the initiative. No Government has ever forced a Council to run its own trams, for example; Councils have taken up tram-running because they could not in any other way get their citizens cheaply carried to work, which they thought important enough to justify them in spending a great deal of time and trouble in obtaining special powers.

In these "public utilities," of which gas, electricity, and local transport are by far the most important, the same principles as we have already noticed are found to apply. They are things out of which it is possible to make a profit, and the State is therefore unwilling to let a local authority

undertake them unless it is clearly proved that private companies either do not want the job or do it very badly. But this has to be proved in every case ; so there is no general Act under which a Council can by a simple vote decide to run trams, but it must in every case obtain a special Order from the Ministry of Transport, which has to be confirmed by Parliament. Of course the Order may be opposed by people, e.g., local bus companies, who do not want the tramway, in which case it has to be fought for almost as expensively as if it were a private Act ; and an Act has actually to be obtained for nearly all profitable enterprise except gasworks and tramways.

The State thus does not show any great anxiety to see local authorities running services out of which profits are made ; but it is more willing for them to do so in cases where there is what is called a " natural monopoly," i.e., where it is impossible or highly inconvenient to have two competing services. In most towns it is impossible to have two sets of tramway lines running down the same road ; and though it is not impossible, it is highly inconvenient to have several sets of gas mains.¹ But there is nothing, except congestion of traffic, to prevent half a dozen bus companies from using the same routes ; and we find accordingly that local Councils can run gas and tramway undertakings by getting a special Order,

¹ Electricity, as a " natural monopoly " stands in much the same position as gas. It is, however, so essential that the generation and supply of electricity should be co-ordinated over a larger area than that of a single Council that the State has been forced to make special arrangements, which must be studied in the text-books.

and that a good number of them do ; whereas to run a bus service they have to get an Act of Parliament, and that comparatively few Councils have been allowed to run more than small services linking up odd ends of tramways. When we come to activities which are at present more definitely valuable to private enterprise, we find that, generally speaking, Councils are not allowed to compete at all. An isolated concession, like that of the Birmingham municipal bank, and one or two municipal milk supplies, may be secured by special Act ; but attempts by other towns to do what Birmingham has done have been firmly thwarted. (If a Council tries to extend its activities in this direction without an Act of Parliament, it will not find that any easier. A few years ago, for instance, the Fulham Borough Council tried to make its wash-houses more useful to the poor housewife by instituting a " bag-wash," but was quickly told that it was exceeding its functions).

To put the position in a single sentence, Councils may fairly freely provide for their citizens such things as baths, parks, and libraries, out of which no profit can be made ; they may with less freedom supply " natural monopolies " ; but those things which are profitable and are not natural monopolies they may scarcely provide at all. " Municipal trading " in the strict sense hardly exists in this country.

CHAPTER XI

LONDON

LONDON, which has always been unique among English towns, is unique also in its local government—in some ways uniquely unfortunate. It would take another book to deal in full with the local government of London; here we can only note the main points in which it differs from that of other towns, and leave the reader to look up the details.

(1.) London is not, for purposes of local government, a single town. It contains first, 29 Metropolitan Borough Councils, each of which has rather more power than an ordinary Urban District Council, but considerably less than an ordinary Borough Council. E.g., none of them can run elementary schools. Their areas are all parts of the area of the London County Council, which controls them to a certain extent, having rather different powers from those of an ordinary County Council. It has, however, very little power over the City of London, which is ruled by a Corporation chosen on an ancient undemocratic plan. The City, therefore, which appoints the Lord Mayor, and is by far the richest part of London, is for several

purposes outside the general government of London.

The L.C.C., however, does not, even with this exception, cover anything like the area generally known as "London." The boundaries of the L.C.C. are those of the Metropolitan Board of Works, which was set up seventy years ago, when London was a very different place. Half the East End, for example, is not in the L.C.C. area, but divided among the County Boroughs of East and West Ham; and all around the L.C.C. boundaries cluster a host of Councils of different kinds, all part of "London," but none connected directly with the L.C.C. For certain services, e.g., water and electricity supply, special authorities have been created, with areas much greater than that of the L.C.C. These areas are different for the different services, and there is consequently in the area called "London" a welter of different authorities with different powers, which makes it quite impossible for a single consistent policy to be pursued. A Royal Commission recently considered the whole problem of London government, but was unable either to make up its own mind on the solution, or to make suggestions acceptable to any large part of the interests involved.

(2.) London, does not control its own police. The City of London has a police force; but the Metropolitan Police Force, whose sphere of operations goes well outside the L.C.C. area, is under the control of the Home Office.

(3.) In general, each of the Metropolitan boroughs finances itself separately, like any other local

authority, apart from the contributions it has to make to services, like those of the Metropolitan Asylums Board, of which all make use. In order, however, to lighten to some extent the burdens of the poorer districts, some of which have practically no rich people living in them, the richer districts are forced, by means of the Metropolitan Common Poor Fund, to contribute a certain amount to the funds of the poorer ones. This, of course, does not mean that there is anything like equality of rating within the L.C.C. area, still less outside it.

CHAPTER XII

SOME QUESTIONS

IN the preceding chapters we have suggested in outline the sort of body in which our new-fledged Councillor finds himself, and the sort of work which it is doing. Will he be satisfied when he gets there? or will he want to alter it? And if so, how?

It is fairly evident that nobody is altogether satisfied with the present system of local government, but to discuss its reform in detail would take another book. We can only in conclusion suggest a number of points on which some reform is certainly necessary, and leave the student and Councillor to work out their own opinions.

(1) First, the finance of local government is obviously unsatisfactory, for two quite different reasons. In the first place, the rates fall most unequally upon different citizens. All benefit equally from a well-run town; but all do not pay equally, even in proportion to their wealth, for keeping it going. (The argument, used in many quarters, that it is only the poor who benefit by Council expenditure, is of course rubbish. The poor benefit most *directly*; they ride on the Council trams, go to the Council schools, and live, if they can afford it, in Council houses. But the

rich did not introduce housing and public health legislation out of pure altruism ; but because as a class they stood to gain by clean and healthy towns and by the elimination of ignorance and disease.) But, quite apart from inequalities of individual contributions, the poor areas are desperately handicapped by the burden of their poverty. The rich man in Stepney, if he is unwise enough to live there, must pay far more than the rich man in Westminster ; and this will continue as long as the State insists that poverty shall be a local and not a national burden. Our two first questions, then, are : Can local rating be made more just ? and, Can anything be done to relieve the burden of the Poor Law ? And arising out of the last question, we must also ask, If the richer areas, or the State, contribute to the costs of the poorer ones, ought that to be made a reason for interfering with the administration of the latter so that self-government is destroyed ?

(2) We next find that, solvent or insolvent, the powers of local authorities are tremendously restricted ; and that, even where they are allowed to supplement private capitalism, it is made as difficult and expensive as possible for them to do so. We must therefore ask : How, and in what way, could their powers be extended ? Is it desirable, as the Labour Party suggests, that local authorities should be allowed to do anything that a private company can do ? or should there be any restrictions ? And, arising out of that, should Councils be allowed to combine freely for all sorts of purposes, such as town-planning, local transport, etc. ?

(3) This question brings us to what is perhaps the most vital problem of all—the question of areas. It is clear that the present conglomeration of small areas, the towns all independent of each other, and the largest towns independent even of the County Councils, simply does not represent the real state of things. Staffordshire would be a very different place without Birmingham as its market, and Cardiff without Glamorgan, which provides it with coal, could not exist at all. Apart from that, for a number of purposes it is ridiculously inconvenient to have a number of tiny Town Councils, with separate officials, separate rating systems, separate gas works, etc. living within a mile or two of one another, with a Rural District Council stuck in between. Some at least of the financial difficulties of local government are due to the fact that each of these tiny areas has to be self-supporting and run its own services unhelpt; and they tend to be as inefficient as many small businesses. There are, as we have seen, certain very cumbrous and expensive means of altering the present areas; but even these do not provide for any but small alterations. There is absolutely no way, under the present system, by which Nottingham and Nottinghamshire, however much they desired it, could combine into one body. We may then pose a new group of questions. Can the present areas be made more flexible, so as to allow of free combination between different Councils? And should Councils who will not combine, like coalowners who will not combine, be urged or forced to do so? And, more far-reaching, Do we desire to see new and larger

areas formed, e.g., covering four or five average-sized counties with all their county boroughs? And, if we do desire large areas, do we desire them for all purposes, or only for some? i.e., do we want to see England divided into large provinces or to keep the present areas for general government, and merely to have large authorities for such things as transport, electricity, and town-planning?

(4) Suppose, for the sake of argument, we do wish to see larger areas, of whatever kind—and the administration of electricity seems to suggest that larger areas of some sort are coming—how do we desire them to be governed? Do we want large provincial Councils directly elected, as County Councils and the House of Commons are at present elected? or would it be better for the smaller Councils, the towns and the county areas, to send delegates to the larger body? And, if we prefer to have delegates, should these be chosen by town and rural Councils only, or should representation also be given to such bodies as Trade Unions? If there are to be larger Councils, what powers ought they to have over the smaller ones? Should the smaller ones have definite jobs reserved for them? or should they only do what the large provincial Councils allow them to do? Ought the present County and County Borough Councils to give up a part of their autonomy? and if they don't want to, are they to be forced? And, whatever type of Council we finally decide on, ought its members to be paid?

(5) Finally, what ought to be the relations between the State and local authorities? Nomin-

ally, the Central Government can only interfere with local government in so far as it is explicitly allowed to by Act of Parliament ; but we have seen that in practice it is able to interfere a great deal more where any question of Government grant or loan is involved ; and owing to the present financial situation, both local and national, its interference is steadily increasing, and any Council (e.g., Poplar) which pursues a policy seriously different from that of its neighbours will soon find the State intervening to stop it. Is this a good thing ? Do we desire to curtail the powers of District Auditors and of the Ministry of Health ? or do we, perhaps, think that they ought to be increased, and that the State ought to have a general power to control local authorities without appealing to the Courts ? (cf. the almost complete control which Mussolini has established in Italy.) A real answer to this question will probably lead us to ask another, Have we the kind of State that we wish to have ? and, if not, how do we wish to alter it ? But the answer to that question leads us into another book.

CHAPTER XIII

SOME BOOKS

I. GENERAL BOOKS

GENERAL books which are not text-books, but give an impression of the way in which local government works are not very numerous. There is a good elementary sketch in Masterman, *How England is Governed*. More difficult, but interesting, are Simon, *A City Council from Within*, and Griffith, *City Government*. Useful information is also to be found in the Fabian Society's *Tracts* on particular types of Council, e.g., *What a Parish Council Can Do*, etc.

Of text-books, the Labour Party's *Local Government Handbook*, and J. J. Clarke, *Local Government of the United Kingdom*, are compressed and nearly up to date. (Clarke has also published a smaller *Outline of Local Government*.) Better, fuller, and more readable is Dean and Rimmer, *Local Government of England and Wales*; but it is not up-to-date and requires supplementing. The names of other short text-books will be found in the bibliographies to either of the two first mentioned, or in Ruskin College's *Outline Course of Local Government*. Attlee,

The Town Councillor and *The County Councillor*, are useful small books on their subjects. Of larger books, Redlich and Hirst, *Local Government in England*, is still the best; and there is an enormous *Encyclopedia of Local Government Law*, published by Butterworth.

Students should also keep an eye on Government publications such as the *Annual Reports* of the Ministry of Health and the Scottish Board of Health; and the *Municipal Journal* sometimes contains useful information.

II. HISTORICAL

Several of the text-books contain historical introductions; but there is no real substitute for the Webbs' great books, *The Parish and the County*, *The Manor and the Borough* (2 vols.), and *Statutory Authorities for Special Purposes*. The last should be read by every student at some time. Slater, *The Making of Modern England*, contains useful material.

III. FINANCE

Cannan, *History of Local Rates in England*, is the best historical book. Webb, *Grants in Aid*, is useful, but a little out of date. C. F. Bastable, *Public Finance*, Dalton, *Principles of Public Finance*, and Ashley, *Local and Central Government*, may also be consulted. There are two Fabian Tracts, *What About the Rates?* and

Our Taxes as they are and as they ought to be; and the accounts of various types of local authority are regularly published in summary form by the Ministry of Health. It is useful to study the accounts of particular towns, which can generally be obtained from the Town Clerks. See also *Municipal Accounting Systems*, by Stanley Whitehead.

There are Government Reports on local taxation and a local income tax.

IV. POOR LAW

For history, see the Webbs' *History of the Old Poor Law* and *The Prevention of Destitution*; Nicholls and Mackay, *History of English Poor Law*; and the *Minority Report of the Poor Law Commission*. For the present day, the *Minority Report*, Clarke, *Social Administration including the Poor Laws*, and the *Government Report on Poplar Guardians*. The Ministry of Health's *Annual Reports* include the Poor Law.

V. PUBLIC HEALTH

For the history, Hutchins, *The Public Health Agitation*, and interesting chapters in Hammond, *Lord Shaftesbury*, and Slater, as above. For the present day, Jacobs, *Manual of the Law Relating to Public Health*, Brend, *Health and the State*, and a Fabian Tract, *What a Health Committee Can Do*. Very important are the *Annual Reports* of the Chief Medical Officers

to the Ministry of Health and the Board of Education. *Health and the State*, by Sir George Newman, and *The Task of Social Hygiene*, by Havelock Ellis, may also be read.

VI. HOUSING

The books on this subject are legion. Clarke's *The Housing Problem* is a big book containing the history as well as the present problems; S. E. Allan, *Housing of the Working Classes Acts*, is a summary of the legal procedure. For the present day, see Fremantle, *The Housing of the Nation*, and (smaller books) Addison, *The Betrayal of the Slums*, G. D. H. and M. I. Cole, *Rents, Rings, and Houses*, Reiss, *The Home I Want*, and many others. For town-planning and garden cities, see Reiss, *Town Planning*, and Purdom, *The Garden City Movement*.

There are a host of pamphlets and Government Reports, of which the Ministry of Health's Manuals are the most useful.

VII. EDUCATION

For the history, see Montmorency, *The Progress of Education in England*, and for the present day, Selby Bigge, *The Board of Education*, and Balfour, *Educational Systems*. These are not good, but they are the best available. There are some pamphlets issued by the Labour Party and the Workers' Educational Association; and for the future, Tawney, *Education: The Socialist Policy*, may be read.

VIII. PUBLIC UTILITIES

On municipal enterprise, there is still not much available. The big book is Keen, *The Law Relating to Public Utility Undertakings*, and there is still much of value in the *New Statesman's* Supplements on *State and Municipal Enterprise*, though these are not very up to date. Propagandist booklets are Shaw, *The Commonsense of Municipal Trading*, and Suthers, *Mind Your Own Business*; and the Government issues financial returns of such services as gas, trams, and electricity.

IX. LONDON

For London government, there is a useful little book on the L.C.C., by Emil Davies. The various volumes of *London Statistics* are also very useful.

X. PROBLEMS

On the questions raised in the last chapter, read Cole, *The Future of Local Government*, and Fawcett, *The Provinces of England*. There are no other books.

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